

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

In re: Thomas Edward Perry, III	)	
	)	
	)	Case No. <u>12-51148-SCS</u>
	)	
Debtor	)	Chapter <u>13</u>
	)	
Address <u>103 River Mews Drive, Apt. I</u>	)	
<u>Newport News, Virginia 23608</u>	)	
	)	
Last four digits of Social Security: <u>8797</u>	)	

**NOTICE OF MOTION AND NOTICE OF HEARING**

Thomas Edward Perry, III has filed papers with the court to Incur Secured Debt.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then on or before **February 10, 2014**, you or your attorney must:

[X] File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
600 Granby Street, Room 400  
Norfolk, VA 23510

You must also mail a copy to:

Christian D. DeGuzman, Esq.  
The Debt Law Group, PLLC  
JANAF Office Building  
5900 E. Virginia Beach Blvd.  
Suite 507  
Norfolk, VA 23502

[ X ] Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

[ X ] Attend the hearing on the motion (or objection) scheduled to be held on March 14, 2014 at 9:30 a . m. at United States Bankruptcy Court, Newport News Courtroom, U.S. Courthouse, 2400 West Avenue, Newport News, VA.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 20, 2014

/s/ Christian D. DeGuzman  
Christian D. DeGuzman, Esq.  
The Debt Law Group, PLLC  
JANAF Office Building  
5900 E. Virginia Beach Blvd., Suite 507  
Norfolk, VA 23502

Virginia State Bar No. 79336  
Counsel for Thomas Edward Perry, III

#### Certificate of Service

I hereby certify that I have this 20<sup>th</sup> day of January, 2014, mailed or hand-delivered a true copy of the foregoing Notice of Motion to the parties listed on the attached service list.

/s/Christian D. DeGuzman  
Christian D. DeGuzman, Esq.

### **List of Creditors**

Langley Fed Credit Union  
1055 W. Mercury Blvd.  
Hampton, VA 23666

US Bank, NA  
Attn: Bankruptcy Dept.  
3881 Gravois Avenue  
Saint Louis, MO 63166

USAA Federal Savings Bank  
10750 Mcdermott Fwy  
San Antonio, TX 78288

USAA FSB  
PO Box 2005  
Owensboro, KY 42302

USAA Savings Bank  
PO Box 47504  
San Antonio, TX 78265

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF VIRGINIA**  
Newport News Division

<b>In RE:</b>  Thomas Edward Perry, III   Debtor	) ) ) ) ) )	Case No.: <u>12-51148-SCS</u>  Chapter 13
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**AMENDED MOTION TO INCUR SECURED DEBT**

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COMES NOW Thomas Edward Perry, III, Debtor, who by counsel states the following in support of this motion:

1. On July 23, 2012, Debtor filed a petition under Chapter 13 of the Bankruptcy Code.
2. Debtor, Thomas Edward Perry, III, desires to obtain this Court's permission to purchase and finance the purchase of a used vehicle, a 2006 Cadillac CTS or like vehicle, from Heritage Motor Company, Inc. or other competent dealer.
3. This Court has exclusive jurisdiction over the property in question under 28 USC Section 1334. This is a core matter.
4. The financed amount of the vehicle will not exceed \$16,859.52. The term of the loan shall not exceed 48 months with an interest rate not to exceed 19.450%. Monthly payments will not exceed \$351.24. In the event of alternate financing, terms shall not exceed an interest rate of 20.000% nor exceed a monthly payment of \$400.00.
5. The vehicle is necessary for Mrs. Perry to maintain employment.
6. The debtor will remain in his Chapter 13 Plan and continue to make the payments prescribed under his last confirmed Chapter 13 Plan of \$1,333.00.
7. On January 20, 2014 Debtor filed an amendment to Schedule J demonstrating that his budget can support an additional monthly payment of \$351.24 towards the

new car loan. The amendment provided for the following reductions in expenses:  
Verizon FIOS media bundle expense reduced from \$265.00 to \$165.00; non-filing spouse's recreation/entertainment expense reduced from \$100.00 to \$27.00; grocery expense reduced from \$575.00 to \$395.00.

WHEREFORE, the Debtor prays for an Order approving his Motion to Incur Secured Debt through the financing of a purchase of a new car.

By: /s/ Christian D. DeGuzman  
Christian D. DeGuzman, Esq.  
The Debt Law Group, PLLC  
JANAF Office Building  
5900 E. Virginia Beach Blvd., Suite 507  
Norfolk, VA 23502  
VA State Bar No. 79336

#### CERTIFICATE OF SERVICE

I certify that a copy of the forgoing was mailed, by first class mail, this 20<sup>th</sup> day of January, 2014 to R. Clinton Stackhouse, Jr., Chapter 13 Trustee, through electronic means and all other parties of interest pursuant to Local Rule 9022 as listed on the attached list of creditors.

/s/ Christian D. DeGuzman  
Christian D. DeGuzman

#### **List of Creditors**

Gabriela Perry  
25719 Mountain Glen Circle  
Sun City, CA 92585

Doc 27

Case 12-51148-SCS  
Document

Filed 01/20/14 Entered 01/20/14 11:27:59  
Page 6 of 9

Desc Main

Langley Fed Credit Union  
1055 W. Mercury Blvd.  
Hampton, VA 23666

US Bank, NA  
Attn: Bankruptcy Dept.  
3881 Gravois Avenue  
Saint Louis, MO 63166

USAA Federal Savings Bank  
10750 Mcdermott Fwy  
San Antonio, TX 78288

USAA FSB  
PO Box 2005  
Owensboro, KY 42302

USAA Savings Bank  
PO Box 47504  
San Antonio, TX 78265

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Newport News Division

IN RE: Thomas Edward Perry, III

Case No.: 12-51148-SCS

Chapter 13

**ORDER GRANTING MOTION TO INCUR DEBT**

CAME THIS DAY the Debtor, by counsel, as and for his Amended Motion to Incur Debt, no objections being filed and the Court being advised as follows:

1. Debtor seeks to obtain financing to purchase a 2006 Cadillac CTS.
2. Debtor will require \$16,859.52 to finance a reliable vehicle and monthly payments will be set at \$351.24.
3. The interest rate is fixed at 19.450% and the term of the loan is 48 months.
4. Debtor asserts he can afford this expense while continuing to make his regular Chapter 13 plan payments.
5. The vehicle is necessary in order for Mrs. Perry to maintain employment.
6. On January 20, 2014 Debtor filed an amendment to Schedule J demonstrating that his budget can support an additional monthly payment of \$351.24 towards the new car loan. The amendment provided for the following reductions in expenses: Verizon FIOS media bundle expense reduced from \$265.00 to \$165.00; non-filing spouse's recreation/entertainment expense reduced from \$100.00 to \$27.00; grocery expense reduced from \$575.00 to \$395.00.

**WHEREFORE**, it is hereby ORDERED that the Debtor is given leave to incur debt for the purpose of financing a motor vehicle and the amount financed will total \$16,859.52.

DATE: \_\_\_\_\_

\_\_\_\_\_  
U. S. Bankruptcy Judge

ENTER: \_\_\_\_\_

Gabriela Perry  
25719 Mountain Glen Circle  
Sun City, CA 92585

Doc 27

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San Antonio, TX 78288

USAA FSB  
PO Box 2005  
Owensboro, KY 42302

USAA Savings Bank  
PO Box 47504  
San Antonio, TX 78265



I ASK FOR THIS: and I hereby certify pursuant to Local Rule 9022 that this Order has been endorsed by all necessary parties.

/s/

Christian D. DeGuzman, VSB #79336  
THE DEBT LAW GROUP, PLLC  
JANAF Office Building  
5900 E. Virginia Beach Blvd., Suite 507  
Norfolk, VA 23502  
Phone: (757) 333-7336  
Fax: (757) 333-7873  
*Counsel for Debtor*

SEEN AND AGREED:

/s/

R. Clinton Stackhouse, Jr., Esquire  
Chapter 13 Trustee  
870 Greenbrier Circle, Suite 200  
Chesapeake, VA 23320

PARTIES TO RECEIVE COPIES:

Christian D. DeGuzman, Esquire  
Counsel for Debtor  
*Electronically*

Thomas Edward Perry, III  
103 River Mews Drive, Apt. I  
Newport News, VA 23608  
*First Class Mail*

R. Clinton Stackhouse, Jr., Esquire  
Chapter 13 Trustee  
*Electronically*